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The following President's Act is published for general information:—

**THE PATIALA AND EAST PUNJAB STATES UNION
BETTERMENT CHARGES AND ACREAGE
RATES ACT, 1953**

No. 1 OF 1954

[4th January, 1954]

An Act to provide for the levy of betterment charges and acreage rates on certain lands in the State of Patiala and East Punjab States Union.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Betterment Charges and Acreage Rates Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force atonce.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "acreage rates" means the charges levied under section 6 on lands included in an irrigation scheme;

(b) "betterment charges" means the charges levied under section 4 on lands included in an irrigation scheme;

(c) "canal" includes—

(i) all parts of a river, stream, lake or natural collection of water or natural drainage-channel to which the provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), apply,

(ii) all canals, channels, reservoirs, wells, tube-wells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water,

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tube-wells or lift irrigation arrangements,

(iv) all water courses, that is to say, all channels which are supplied with water from a canal, but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channel;

(d) "Government" means the Government of the State of Patiala and East Punjab States Union;

(e) "irrigation scheme" means any such scheme as is referred to in section 3;

(f) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII of 1887);

(g) "prescribed" means prescribed by rules made under this Act;

(h) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887);

(i) the expressions "Canal-officer" and "Divisional Canal-officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873);

(j) all references to the Northern India Canal and Drainage Act, 1873 (VIII of 1873), the Punjab Tenancy Act, 1887 (XVI of 1887) and the Punjab Land Revenue Act, 1887 (XVII of 1887), shall be construed as references to those Acts as in force in the State of Patiala and East Punjab States Union.

3. Irrigation schemes and notification of proposal to levy betterment charges.—Where any scheme has come or comes into operation after the 15th day of August, 1947, for any one or more of the following purposes, namely:—

(i) the irrigation of lands from any existing or projected canal;

(ii) the extension of irrigation of land situated within the approved irrigation boundary of an existing canal;

(iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated;

(iv) the provision for or the improvement of drainage or any reservoir, dam or embankment constructed, maintained or controlled by the Government for the supply or storage of water,

The Government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the Official Gazette and in such other manner as may be prescribed its intention so to do, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed.

Explanation I.—"Capacity factor" means the ratio of the mean supply of the authorized full supply discharge of a channel, and "mean supply" for a period connotes the sum of the daily supply in cusecs divided by the number of days during that period.

Explanation II.—"Water allowance" means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III.—"Cusec" is the unit of discharge, and means the rate of flow of one cubic foot of water per second.

4. Procedure for levy of betterment charges.—(1) At any time after the expiry of one month from the date of the notification referred to in section 3, the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.

(2) In preparing a schedule under sub-section (1) for the levy of betterment charges in respect of any irrigation scheme, regard shall be had to the following, namely:—

- (a) the type of irrigation;
- (b) the improvement in irrigation;
- (c) the extent of betterment accruing to the lands.

(3) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette, and in such other manner as may be prescribed.

(4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the Official Gazette, and in such other manner as may be prescribed.

5. Amount of betterment charges.—(1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with irrigation scheme

as the Government may, by notification in the Official Gazette, ... in this behalf and their estimated value with reference to such other date after such commencement as the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation:

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

6. Levy of acreage rates.—(1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely:—

(a) rectangulation, sub-rectangulation or *killabandi* (that is to say, sub-division of land into one-acre fields),

(b) level, topographical or soil surveys,

(c) construction of water courses,

(d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under sub-section (1) shall be published in the Official Gazette and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may within sixty days from the date of the publication of the schedule in the Official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates, and cause the same to be published in the Official Gazette and in such other manner as may be prescribed.

7. Finality of schedule of betterment charges and acreage rates.—The betterment charges and the acreage rates leviable under the final schedules as published under sub-section (5) of section 4 and sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

8. Demand of betterment charges and acreage rates.—(1) When the schedule of betterment charges or acreage rates has been published in the Official Gazette under sub-section (5) of section 4 or sub-section (4) of section 6, the Canal-officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landowner or occupancy tenant may, within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal-officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

9. Mode of recovery of betterment charges and acreage rates.—(1) The betterment charges and acreage rates may be paid in one or more instalments as may be prescribed:

Provided that where the betterment charges or acreage rates are allowed to be paid in instalments, interest shall be payable in respect of such instalments at such rates as may be prescribed and such interest shall be recovered in the same manner as the betterment charges or the acreage rates.

(2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

10. Postponement of recovery of betterment charges and acreage rates in certain cases.—Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit, the recovery of any such charges or rates, whether wholly or in part.

11. Apportionment of betterment charges and acreage rates.—The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed:

Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such persons in respect of that land:

Provided further that where there are more landowners than one, they shall be jointly and severally liable for the portion recoverable from the landowner and similarly where there are more

occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenant.

12. Betterment charges and acreage rates to be a charge on the land.—Any sum lawfully due under this Act by way of betterment charges or acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

13. Betterment charges and acreage rates not to affect any other charges leviable.—The betterment charges and acreage rates payable under this Act in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.

14. Powers of Canal and Revenue officers to summon persons.—

(1) The Divisional Canal-officer, Canal Collector, Deputy Collector or a Revenue Officer of the rank of Deputy Commissioner or Assistant Collector may summon any person whose attendance he considers necessary for the purpose of enabling him to discharge any function imposed on him by or under this Act.

(2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the summoning officer may require.

15. Penalty for failure to attend.—(1) If a person required to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer, to a penalty which may extend to fifty rupees.

(2) Any person aggrieved by an order passed under subsection (1) imposing a penalty on him may prefer an appeal in such manner, within such time and to such authority, as may be prescribed.

(3) Any penalty imposed on a person under this section may be recovered from him as if it were an arrear of land revenue.

16. Bar to jurisdiction of civil courts.—No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

17. Indemnity from proceedings.—No claim shall lie against the Government for compensation or for the refund of betterment charges or acreage rates on account of loss occasioned by the failure or stoppage water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal-officer or by any measures taken

him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal-officer considers such action to be necessary.

18. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

19. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which notices under this Act, or the schedules of betterment charges and acreage rates shall be published;

(b) the manner in which valuation may be made of any lands for the purpose of sub-section (1) of section 5 and for determining their increase in value;

(c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme;

(d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same;

(e) the form in which notices of demand may be prepared under this Act and the manner of their service;

(f) the time within which objections may be preferred from notices of demand under sub-section (2) of section 8, the procedure for the determination of such objections and the authorities to whom, and the manner in which, and the conditions subject to which, appeals may be preferred therefrom;

(g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realized;

(h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;

(i) the conditions subject to which any landowner may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him;

(j) the manner in which betterment charges and acreage rates may be apportioned between landowners and occupancy tenants;

(k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act;

(l) any other matter requiring to be prescribed under this Act.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment.

The Bhakra-Nangal Project will irrigate certain areas in Punjab, Pepsu and Rajasthan. The lands benefitted by the increased irrigation facilities will increase in value while the owners of such lands would have hardly made any contribution for obtaining this benefit. Since the Project, which is a joint enterprise of Punjab, Pepsu and Rajasthan, has been financed partly by loans taken from the Centre by the State Governments concerned, it was suggested to the State Governments that they should arrange to levy a betterment fee on land brought under irrigation through non-productive river valley projects and the proceeds of such levy should be earmarked for repayment of the loans taken by the State Governments for financing such schemes. In Pepsu, non-perennial irrigation has already started in certain areas fed by the Bhakra-Nangal Project and having regard to the fact that betterment charges are being levied in Punjab, it is necessary to enact a law in Pepsu for levying these charges in the areas irrigated by the Bhakra-Nangal Project and other irrigation schemes. Hence the present Bill.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Government of India,
Ministry of States.